

REMARKS:Claim 24

Claim 24 has been objected to due to informalities. Claim 24 has been amended as suggested by the Examiner. Accordingly, withdrawal of the objection is respectfully requested.

Claims 1-27

Claims 1-27 have been rejected under 35 USC 112, second paragraph. Claims 1-14 and 23-25 have been amended to claim the device for extending the event time of a physical shock imparted on an electronic device. Claims 15-22 and 26 have been amended to require the combination of the electronic device with the device for extending the event time of a physical shock imparted on the electronic device. Accordingly, withdrawal of the objection is respectfully requested.

Claim 10 has also been amended.

Claims 1-3, 5-11, 14-19, 22-23 and 27

Claims 1-3, 5-11, 14-19, 22-23 and 27 have been rejected under 35 USC 102(b) as being anticipated by Densen (US2696322).

Applicants respectfully disagree that Denson anticipates claims 1-3, 5-11, 14-19, 22-23 and 27.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claims 1-3, 5-11, 14 require a resiliently elastic material for suspending an electronic device with respect to the frame. Claims 15-19 and 22 require a resiliently elastic material coupled to the frame and sandwiching the electronic device. Claims 23 and 27 require resiliently elastic ribs suspending an electronic device with respect to the frame.

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In sharp contrast, Densen indicates throughout the application that his straps (also called tension elements) 16, 17 are not resiliently elastic, but rather so non-elastic that the item being held is immovable. As noted at col. 1, lines 43-47 of Densen:

A further object is to devise a carrying means for holding, supporting and retaining an article in an immovable, suspended position within a framework or container free from shock or disturbance by means of material having tensile strength only. (emphasis added)

See also Densen col. 2, lines 35-38, reproduced below:

Thus the article 18 is held suspended and immovable by the tension members or straps within the framework and cannot be the recipient of blows or concussions to the frame or crate. (emphasis added)

Similarly, nowhere does Densen indicate that the bag 15 is resiliently deformable, as required by the claims. Densen indicates that the bag 15 is "flexible", i.e., deformable, but not resiliently deformable. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Accordingly, it cannot be said that Densen discloses a resiliently elastic material that suspends or sandwiches an electronic device between its layers.

Claims 15-19 and 22 now require an electronic device, which is a feature not found in Densen. See *Verdegaal Bros.*, *supra*.

Further, claims 15-19 and 22 require that the electronic device be sandwiched between layers of the resiliently deformable material. Nowhere does Densen indicate that the suspended object is sandwiched between layers of any type of material.

For any of the foregoing reasons, claims 1-3, 5-11, 14-19, 22-23 and 27 are believed to be allowable over Densen. Reconsideration and allowance of claims 1-3, 5-11, 14-19, 22-23 and 27 is respectfully requested.

Claims 1-6, 9 and 15-17

Claims 1-6, 9 and 15-17 have been rejected under 35 USC 102(e) as being anticipated by Lofgren et al. (US6920981).

Applicants respectfully disagree that Lofgren anticipates claims 1-6, 9 and 15-17.

Particularly, claims 1-6 and 9 require that the resiliently elastic material be adapted for suspending an electronic device with respect to the frame. This feature is not shown in Lofgren. As shown in Lofgren Figs. 1-15, the object P being held is actually coupled to the "product-supporting platform 4" of the device, rather than being suspended with respect to the frame. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.... *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Accordingly, claims 1-6 and 9 are patentably distinct from Lofgren.

Claims 15-17 have been amended to require an electronic device in combination with a device for extending an event time of a physical shock imparted on the electronic device. Lofgren fails to teach or show an electronic device, and so does not teach each and every limitation in the claim. See *Verdegaal Bros.*, *supra*. Reconsideration and allowance of claims 15-17 is respectfully requested.

Claims 4, 12-13, 20-21 and 24-26

Claims 4, 12-13, 20-21 and 24-26 have been rejected under 35 USC 103(a) as being unpatentable over Densen.

Applicants respectfully traverse the rejection as being improper. Particularly, the rejection indicates that the material of the resiliently elastic material is within the general skill of the worker in the art, and discovering optimum ranges involves only routine skill in the art. However, as mentioned above, Densen fails to teach or suggest a resiliently elastic material. Further, implementing a resiliently elastic material in Densen would render Densen's device unsatisfactory for its intended purpose, namely holding an article in an immovable position, as noted below. If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)

As mentioned above, Densen indicates throughout the application that his straps (also called tension elements) 16, 17 are not resiliently elastic, but rather so non-elastic that the item being held is immovable. As noted at col. 1, lines 43-47 of Densen:

A further object is to devise a carrying means for holding, supporting and retaining an article in an immovable, suspended position within a framework or container free from shock or disturbance by means of material having tensile strength only. (emphasis added)

See also Densen col. 2, lines 35-38, reproduced below:

Thus the article 18 is held suspended and immovable by the tension members or straps within the framework and cannot be the recipient of blows or concussions to the frame or crate. (emphasis added)


Further, the rejection proposed would change the principle of operation of Densen. Particularly, Densen suspends the article in an immovable position. Again, Densen fails to teach or suggest a resiliently elastic material. To make Densen's straps resiliently elastic would defeat the principle of operation of holding the object in an immovable position within the framework. If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being

modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)

Because modification of Densen would either render Densen's device unsatisfactory for its intended purpose, or change the principle of operation of Densen's device, or both, the rejection is improper and claims 4, 12-13, 20-21 and 24-26 are allowable over Densen.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 971-2573. For payment of any additional fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-2587 (Order No. HSJ920030211US1).

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